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**IN THE UNITED STATES BANKRUPTCY COURT  
 FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CLERK  
 U.S. BANKRUPTCY  
 COURT - WDPA

In re: : Case No.: 21-20162-GLT  
 : Chapter: 13  
 Kathleen M. Plummer :  
 :  
 :  
 :  
 Debtor(s). : Date: 7/21/2021  
 : Time: 09:30

**PROCEEDING MEMO**

**MATTER:** #35 Motion for Relief from Automatic Stay re: 121 Pius Street, Pittsburgh, PA 15203 filed by Towd Point Mortgage Trust 2016-4, U.S. Bank National Association as Indenture Trustee c/o Select Portfolio Servicing, Inc. #42 CNO Filed

**APPEARANCES:**

Debtor: Chris Frye  
 Trustee: James Warmbrodt  
 Towd Point: No appearance

**NOTES:** (9:34)

Court: This matter was self-scheduled, so I do not know why Towd Point did not enter an appearance. I do have questions about the motion though and why there was no opposition to it because there is significant equity in the property.

Frye: We didn't have good grounds for a response, the plan was to sell the property but our client has been pretty uncommunicative and they haven't made a single plan payment.

Court: It's your understanding that there's more than \$90,000 in equity?

Frye: Yes.

Warmbrodt: We should have moved to convert to chapter 7.

Court: I will deny the motion and grant the trustee time to file a motion to convert.

**OUTCOME:**

1. Towd Point Mortgage Trust 2016-4, U.S. Bank National Association as Indenture Trustee c/o Select Portfolio Servicing, Inc.'s *Motion for Relief from Automatic Stay re: 121 Pius Street, Pittsburgh, PA 15203* [Dkt. No. 35] is DENIED for failure to prosecute. The chapter 13 trustee is granted leave to file a motion to convert within 7 days. [Text Order to Issue]

**DATED:** 7/21/2021